

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF HAWAII

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4 UNITED STATES OF AMERICA,) CR. NO. 19-00099-DKW-KJM
5 Plaintiff,) Honolulu, Hawaii
6 vs.) April 26, 2024
7 MICHAEL J. MISKE, JR.,) FURTHER JURY TRIAL - DAY 58
8 Defendant.) (TESTIMONY OF GOVERNMENT'S
9 _____) WITNESS CARRIE FRASER)

10 PARTIAL TRANSCRIPT OF PROCEEDINGS
11 BEFORE THE HONORABLE DERRICK K. WATSON
CHIEF UNITED STATES DISTRICT COURT JUDGE

12 APPEARANCES:

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25 Proceedings recorded by machine shorthand, transcript produced
with computer-aided transcription (CAT).

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3 FOR THE GOVERNMENT:

4 CARRIE FRASER

5 DIRECT EXAMINATION BY MR. INCIONG

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E X H I B I T S

8 Exhibit 2-90 received in evidence

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1 FRIDAY, APRIL 26, 2024

12:34 O'CLOCK P.M.

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3 (Start of partial transcript:)

4 (Open court in the presence of the jury.)

5 THE COURT: The government's next witness?

6 MR. INCIONG: Thank you, Your Honor.

7 The United States calls Carrie Fraser.

8 COURTROOM MANAGER: Please raise your right hand.

9 CARRIE FRASER, GOVERNMENT'S WITNESS, SWORN.

10 THE WITNESS: I do.

11 COURTROOM MANAGER: Thank you.

12 You may be seated.

13 Please state your full name, spelling your last name
14 for the record.

15 THE WITNESS: Sure. It's Carrie Fraser. Last --
16 spelled F-R-A-S-E-R.

17 DIRECT EXAMINATION

18 BY MR. INCIONG:

19 Q Good afternoon, Mrs. Fraser.

20 A Good afternoon.

21 Q What island do you reside on?

22 A On the Big Island.

23 Q What do you do there?

24 A Well, I just started a job at the state. Other than that,
25 I opened up my own business out in Ocean View.

1 Q Are you married?

2 A Yes, I am.

3 Q How long have you been married?

4 A 26 -- 27 years.

5 Q What is the name of your husband?

6 A William A. Fraser, the Third.

7 Q Do you have any children together?

8 A No, we don't.

9 Q Did you have -- did William have a child before you
10 started your relationship?

11 A Yes.

12 Q What was the name of that child?

13 A Johnathan Fraser.

14 Q How old were you when you met William Fraser?

15 A I was 15 and a half, 16 years old.

16 Q Was Johnathan born at that time?

17 A Johnathan was born already, yes.

18 Q So you were a teenager when you met Johnathan?

19 A Correct.

20 Q How many years have you been with William Fraser, total?

21 A 27 years.

22 Q Okay. So how old were you when you got married?

23 A We were -- it was 2016 is when we got married. Sorry.

24 2006.

25 Q Okay. We won't tell.

1 So did you have any role in the raising or upbringing of
2 Johnathan Fraser?

3 A Yes.

4 Q How old was he when you began in your involvement?

5 A Well, I first met Johnathan when he was one and a half
6 years old. Around three years old he came to live with Mr. and
7 Mrs. Fraser. That's his grandparents.

8 Q Okay.

9 A And I was living there at that time.

10 Q Okay. Was that on the Big Island; was that here on Oahu?

11 A That was on Oahu. In Kaneohe.

12 Q Okay. Was he living with you full-time during that time?

13 A He was there for a year.

14 Q Was going back and forth a little bit between your house
15 and his biological mother at that time?

16 A So I know the mom had took him, I think it was like
17 three -- around three and a half years old, I'm kind of trying
18 to figure out. And then he came back to us before he started
19 kindergarten.

20 Q Okay. Was he with you pretty much full-time from that
21 point on?

22 A Yes.

23 Q Did he consider you to be a second mom?

24 A Yes.

25 Q Do you consider him to be your son?

1 A Yes.

2 Q Did you form a very close relationship with him?

3 A Yes, I did.

4 Q So you knew him from the time he was an infant, basically,
5 right?

6 A Basically, yes.

7 Q So what kinds of involvement did you have when he was
8 growing up as in elementary school, middle school, those type
9 of things?

10 A Pretty much everything. I attended all his school
11 meetings, all his sports. I mean, basically did everything.

12 Q Helped him with homework?

13 A Homework.

14 Q Cooked for him?

15 A Yes.

16 Q Took him to school?

17 A Took him to school.

18 Q Did Johnathan like school?

19 A Elementary, he did. I think it was more towards, I would
20 say like seventh, eighth grade where he kind of didn't like
21 school.

22 Q So how did you find out that Johnathan didn't like school
23 during that time?

24 A Well, he would tell me -- there was times I would -- like,
25 okay, you got to get up, you got to go to school, you know?

1 And he would be like: I don't want to go to school today. And
2 I'm like why, you know? And after really like going to the
3 administration and all the teachers and, you know, finding out
4 what was the cause of him not wanting to go to school. And he
5 was having a really hard time in school as far as for his
6 education, understanding, you know, the comprehension.

7 So around like ninth grade, I would say, he just -- yeah,
8 he kind of a little bit checked out. It was -- I fought with
9 the school, like to help us, like just to stop pushing him
10 forward if he hasn't finished, you know, completing the other
11 grade, because if you keep pushing him forward, he's falling
12 way more behind and way more behind.

13 So I ended up asking the school to help us get him, you
14 know, tutors and after school -- after school tutors with the
15 other teacher. I got him into therapeutic classes so he could
16 just be in a smaller classroom, so he could concentrate more
17 and be with somebody that could help him whenever he needed the
18 help.

19 Q Okay. So as you saw him, you know, go from elementary to
20 intermediate school and into high school, how would you
21 describe his personality?

22 A Everybody -- you know, he's -- he is a big-hearted boy.
23 Like, no matter who he came across, everybody loved him 'cause
24 he just -- he was just a happy boy. Like, he loved everybody.
25 It didn't matter.

1 Q Did he follow all your rules at home all the time?

2 A As he got older, it was -- you know, he didn't like that
3 we had set rules to where you have to be home at a certain
4 time, and if you are going to go out that you have to be with
5 an adult, there was an adult supervision there.

6 So there is times, yes, he did not -- he did not like
7 that, because he had friends that will be able to stay out as
8 long as they wanted to. But I would always explain to him, I
9 said, I'm not -- you know, your father and I are not like your
10 friends' parents. We're different. You know, there's no
11 reason for you to be out there, you know, midnight, one o'clock
12 or two o'clock in the morning, you know? So he didn't like
13 that.

14 Q So was this happening around like the time he was in
15 intermediate?

16 A Yeah.

17 Q What intermediate school did he go to?

18 A At that time he was going to Mililani.

19 Q So were there times that he wouldn't come home at all?

20 A There was times that he would run away. And I would ask
21 him after, like, why do you run away? You know, you have
22 everything here. And he was like, you know, telling me, I just
23 want to stay out with my friends or like -- I was like that's
24 fine. We let you stay out, but you can't be out there till
25 midnight, one o'clock or two o'clock in the morning. There's

1 nothing good that's happening around that time.

2 And, yeah, he would find a way.

3 Q So when you say run away, what do you mean by that?

4 Explain to the jury what that meant.

5 A So like he would leave, like on Friday, after school,
6 knowing that he knows I will pick him up at a certain time.
7 And he would stay out till Sunday and he'll -- sometimes he'll
8 come home on his own, and I'm like: where did you go? You
9 know, and he was like, oh, I just was at my friend's house or I
10 was -- I was here. And I'm like: why are you out there at
11 this time of night?

12 And then there was times that were like: oh, I seen you
13 driving past. I see you driving past looking for me. You
14 know, 'cause it's late at night, I'm worried about him.

15 Q So did that frustrate you?

16 A It did frustrate -- it did frustrate me, but I wanted to
17 come down to like what was the problem, was the issue that --
18 you know, that was making him run away, and I wanted to fix
19 that.

20 Q Would you be worried when he's gone for those, I guess the
21 entire weekend it sounds like?

22 A Oh, yes. I was out there, like driving around. I
23 would -- sometimes 2:00, 3:00 o'clock in the morning I'm
24 driving around Kahaluu, you know, Kaneohe, just trying to find
25 him.

1 Q So how many times do you think Johnathan ran away for
2 those kinds of -- you know, like a weekend at a time? How many
3 times did that happen?

4 A He was doing it every weekend. Every weekend. So I would
5 say like, straight, probably be like 12 to 20 times straight
6 weekends.

7 Q So this is a one-year period this all happened in?

8 A It's in a one-year period, yeah.

9 Q So did that ever stop?

10 A It did.

11 Q What made it stop?

12 A He came back. 'Cause he did leave to go to the Big Island
13 for a few months with his mom.

14 Q Okay.

15 A And then when he came back it was like a different John.
16 Like he didn't want to be away from me and his dad. Like
17 everywhere we went, he had to come. Like even times when we
18 have our anniversary dinner we would take him with us 'cause we
19 just made sure that he was always a part of.

20 Q So all those times that he -- he would run away, did he
21 always come back?

22 A He always came back.

23 Q Did he come back in time to go back --

24 A To school --

25 Q -- back to school?

1 A -- yes. Yeah.

2 Q what kinds of interests did John have when he was growing
3 up?

4 A well, he loved -- he loves his sports, baseball, football.
5 He loved playing video games, too. One of his games that me
6 and him -- him and I used to play was the Call of Duty, you
7 know, just to spend time we will do that in between him, you
8 know -- him playing sports. But when there wasn't sports, I
9 would always take him and his friends out to the beach 'cause
10 he loves to body board.

11 Q what about cars?

12 A He did, he loved cars. He would stay out with his
13 grandparent -- his grandpa. And they would build cars. And he
14 would be there helping his grandpa build the cars.

15 Q So did Johnathan have girlfriends in high school?

16 A Yes, he did.

17 Q Did he -- did you ever meet one of the girlfriends named
18 Ashley?

19 A Yes, I did.

20 Q Ashley Wong?

21 A Mm-hmm.

22 Q Do you recall about how old Johnathan was when he started
23 dating Ashley Wong?

24 A 18. Around 18, 19, about to turn 19.

25 Q How would you describe their relationship?

1 A Their -- they were always together. They -- I mean, when
2 you love someone, you love someone. They loved each other.

3 Q After John graduated from high school, did he remain --
4 were you still living in Kaneohe?

5 A We still live in Kaneohe, yes.

6 Q Did he ever move out on his own at any point?

7 A He did move out.

8 Q Do you know who he moved out with?

9 A Well, he moved out with Ashley's cousin, supposedly, in
10 Waimanalo.

11 Q Okay.

12 A That's kind of when they first met. Because he wanted
13 Ashley to move in into the home. But it wasn't my decision or
14 my husband's decision and --

15 Q You're referring to the grandparents?

16 A Yes. Correct.

17 Q So go on.

18 A So because she wasn't allowed to move in there, he ended
19 up moving out with whatever he had on him, 'cause that day he
20 was -- he had told me he was going to go to the beach, 'cause
21 he wanted to go body boarding. I just reminded him, I said,
22 Hey, just remember now, Monday, tomorrow's Monday and you
23 have -- you have work. He said, Yes, don't worry. I'll be
24 home. I'll be home. And he never showed up. And I kept
25 calling him and calling him. And I think it was like the third

1 day I finally had messaged him. I said, Hey, I said, I don't
2 know where you're at. I've been looking for you. I've been
3 calling you. I've been calling everyone. Like, if I don't
4 hear from you, I'm going to end up calling a missing persons
5 report. And then he had messaged me, and he was like I moved
6 out -- I -- I moved out. And I was like huh?

7 So I was kind of confused, like, hey, what's going on?
8 And that's when he pretty much told me it was because he
9 couldn't -- we couldn't have Ashley move into the home, that
10 him and Ashley had no place to go, so he ended up moving in
11 with Ashley's cousin in Waimanalo.

12 Q So how long a period was that where you couldn't get ahold
13 of him?

14 A That was the -- within a 72 hours.

15 Q Was there ever any period longer than that that you did
16 not --

17 A No.

18 Q -- have contact with him?

19 A No.

20 Q So at some point did Johnathan and Ashley actually move
21 back into the grandparents' home with you folks?

22 A Yes. Me and my husband asked my in-laws if they could
23 just please just have him move in, back with us. And they
24 ended up agreeing for them moving back with us, and that was
25 after he was released from the hospital from the accident.

1 Q Okay. Well, let me ask you about that. So I assume that
2 you got to know some of his friends?

3 A Yes. Correct.

4 Q Who were -- who were his best friends, his closest friends
5 that you would see him with most often?

6 A Well, during the -- the later?

7 Q Well, going from, you know, high school graduation on.

8 A So I seen him more with Caleb.

9 Q And Caleb's last name is?

10 A Miske.

11 Q Okay. Did you ever meet Caleb?

12 A Yes. He would come to the house.

13 Q That was the person you would see him with most often?

14 A Yeah, and Delia.

15 Q Who is Delia?

16 A Delia is Caleb's girlfriend at that time.

17 Q Okay. So you had met both of them?

18 A I met both of them, correct.

19 Q What kind of things did Caleb and Johnathan like to do
20 together?

21 A They loved to go fishing. So they would always camp out
22 in North Shore and go fishing. They loved their motorcycles
23 too, also. They both had a motorcycle. Car clubs, they loved
24 their car clubs. They loved building cars.

25 Q Did you know whether the four, the two couples, meaning

1 Delia, Caleb, Johnathan and Ashley, would spend time together,
2 do things together?

3 A Yeah. All the time. They were with each other all the
4 time.

5 Q Did you know whether they all ever lived together at --

6 A Yes.

7 Q -- any point?

8 A They did.

9 Q Where was that?

10 A In Waipahu.

11 Q How did that end, if you know?

12 A The last -- well, I know they ended up not -- they ended
13 up moving out. I don't know what the circumstances was to why
14 they had to move out, but they both ended up splitting away
15 from each other for a little bit.

16 Q Okay. Were you aware of where Johnathan and Ashley were
17 living after they moved out of the shared place with Caleb and
18 Delia?

19 A Yeah, 'cause they ended up with my sister-in-law in
20 Wahiawa for a little bit.

21 Q Were you aware that they were ever living at Kama'aina
22 Termite and Pest Control's business location?

23 A No.

24 Q Do you recall Johnathan calling you to come pick him up
25 after he had been assaulted in 2014?

1 A Yes.

2 Q Explain how that -- how that happened.

3 A He end up calling me and -- he end up calling me and said:
4 You need to come. And I said what's going on? And he said he
5 got beaten up. And I said, what do you mean you got beaten up?
6 He goes, I got beaten up. And he was telling me that his --
7 his tooth got busted out. So I jumped in my car. Me and my
8 husband went and go picked him up at the Kalihi house that they
9 were staying at.

10 Q Where did you take him?

11 A We went out and sat down, talked. We ate dinner.

12 Q Did you learn who had beaten him up?

13 A He -- yes. He said they were three grown men and that
14 they beat him up and was -- was affiliated with Mike Miske.

15 Q Did he explain the circumstances or did he know why this
16 had happened? Did he share that?

17 A He told me was regarding a watch.

18 Q Had you ever met or heard, even, the name Mike Miske
19 before at that point?

20 A I only knew him because the name was -- because I kept
21 asking John and Caleb that I wanted to meet Caleb's father,
22 because I was the type that I wanted to meet the kind of -- the
23 friends that John was hanging around with. I wanted to meet
24 the family so I kind of know, you know, how the family are.
25 But they never -- every time I have asked, they always had an

1 excuse to me meeting Caleb's father.

2 Q So I want to fast forward then to you referenced the --
3 this accident. So that's an accident that happened in October
4 of 2015?

5 A Was -- yes. Was right down the road from where we live.

6 Q How did you find out about this accident?

7 A One of his friend came running, running to the house. And
8 he was letting us know that it was Johnnie, Johnnie's in the
9 accident. So my husband ended up jumping in a car, went over
10 there. I ran upstairs to grab my in-laws and we all went --
11 went to the scene.

12 Q When you got to the scene, were there ambulance or police
13 there yet?

14 A Yes, there were -- was already ambulance. John -- John
15 was already in the ambulance. My husband was trying to stay
16 right by John just to make sure, by the ambulance. I was -- I
17 was, like, looking around, like, seeing what was happening. My
18 father-in-law was standing kind of close to the car to try to
19 let Caleb know to just relax, relax 'cause he was like saying
20 like: Get me out of the car, get me out of the car.

21 And when that was happening, 'cause I already knew that
22 they were going to -- they were telling us that they were going
23 to transport John to the Queen's. So I had Ashley and I and my
24 husband jump in our car and then we left to go. When the
25 ambulance went, we followed it.

1 Q Okay. So in that -- it sounds like you were there a
2 fairly short time.

3 A Mm-hmm.

4 Q Caleb was still in the car.

5 A Correct.

6 Q Where was he in the car?

7 A He was in the driver's side. The -- he was pinned.

8 Q So you went to the hospital?

9 A Mm-hmm.

10 Q What was John's condition?

11 A At that time they weren't really telling us much. They
12 had put us in a -- in a room and just told us to just wait.
13 They were working on him. As soon as they have more
14 information, they will let us know. So we were in that room
15 waiting for a while.

16 Q At any point did you become aware whether Caleb had been
17 brought to the hospital?

18 A Yeah, because we ended up in the -- they ended up putting
19 us in the same room with Caleb's father, and there was another
20 lady there. I'm not too sure who she was.

21 Q Okay. And how did you know then that Caleb had been
22 brought there?

23 A Because a doctor and a nurse had came in to grab the dad
24 and the other lady and were kind of talking about Ca --
25 Caleb's -- a little bit of Caleb's condition.

1 Q Okay. So this person that you -- I guess you assumed this
2 was the father at that point. You still hadn't met --

3 A I still hadn't met him.

4 Q Did you have any interaction or conversation with him at
5 that time?

6 A Not at that time, no.

7 Q How long did you stay at the hospital?

8 A We stayed almost every day.

9 Q Did you ever have any interaction with someone who you
10 learned to be Caleb's father?

11 A Yes.

12 Q How did that come about?

13 A We were upstairs on the fourth floor, 'cause that's when
14 we were -- Johnathan already has been -- they had -- already
15 had given him a room.

16 And I was about to go use the restroom when Caleb's father
17 had approached me, and he was saying -- he was trying to show
18 me a -- a phone and saying that the doctor, because of injuries
19 on top of Caleb, that the doctor was stating that he was the
20 passenger of the vehicle, not the driver of the vehicle. And
21 at that time I just told him, I said: That is the least of my
22 worries. My worries is is these two boys going to live.

23 Q So did --

24 A And that was it.

25 Q Did he ever introduce himself?

1 A No.

2 Q How did you ascertain that that was Caleb's father?

3 A I know Ashley would point out to me who was who and who
4 was -- who was --

5 Q Okay. Do you see the person in court today that was the
6 same person that showed you the phone and was saying that
7 Johnathan was the driver?

8 A Yes. He's sitting right there.

9 Q Could you tell or indicate for the record what he's
10 wearing?

11 A He has a black suit and a blue -- light blue sky shirt on
12 underneath.

13 Q With or without a tie?

14 A Without a tie.

15 MR. INCIONG: Your Honor, may the record reflect that
16 Mrs. Fraser has identified the defendant?

17 THE COURT: Yes. The record should reflect the
18 witness Mrs. Fraser's identification of the defendant,
19 Mr. Miske.

20 BY MR. INCIONG:

21 Q Did that catch you off guard, this idea that he was trying
22 to express that Caleb was not the driver?

23 A Yes.

24 Q Did that become an issue at the hospital?

25 A Like for me, I was just like I just want to make sure that

1 my son was -- Johnathan was going to make it and caleb was
2 going to make it. You know, so I didn't know any, you know,
3 background of the family, so I never had any issue at that
4 time.

5 Q Okay. So there were -- were there lots of family from
6 both -- for both Caleb and Johnathan there present at the
7 hospital?

8 A Yes.

9 Q Did you see different people coming and going?

10 A Yes. There was a lot.

11 Q Did you ever meet any of the -- of Caleb's family or --

12 A No.

13 Q You said Johnathan had his own room?

14 A Correct.

15 Q Was that on the same floor as Caleb's room?

16 A It was on the same floor. Johnathan had a corner, a
17 corner room at that time, when he first was in the hospital.

18 Q Okay.

19 A And then Caleb's room was a little bit around the corner
20 of where Johnnie -- where Johnnie was.

21 Q So just down the same hall?

22 A Yes. Correct.

23 Q It sounds like Johnathan's room was kind of at the end of
24 the hall; is that right?

25 A Correct. He was across the nurses' station that wasn't

1 being used at that time.

2 Q Did you ever learn, either from, you know, someone
3 pointing out to you, like you described earlier, or otherwise
4 any of Mr. Miske's family members that were there?

5 A Yeah. I know Ashley has shown me the -- the brother. And
6 there was other couple guys that she was showing me, but I
7 wasn't really paying attention. 'Cause she just wanted me to
8 be aware who was -- who was what.

9 Q Okay.

10 A And who was who.

11 Q So did you ever observe anything unusual happen with the
12 brother when you were at the --

13 A Yes.

14 Q At the hospital?

15 A So my husband and my nephew that time, there were three of
16 us with John. And my husband and my nephew wanted to go down
17 to go smoke a cigarette, so I said, okay, you guys go and I'll
18 stay, stay here and wait. You know, 'cause Johnnie was on life
19 support at that time so he wasn't even up. And so I stayed
20 there.

21 And while I was sitting there, I noticed a young gentleman
22 across the -- the nurses' station that wasn't being used. And
23 he was putting on gloves. And I was like, what is he doing?
24 And then all of a sudden, I -- he turned around and he came
25 into John's room. And I said, oh, excuse me? And then he

1 turned around and he ran -- like he walked right out the -- the
2 door. And I stayed there until my husband and my -- my nephew
3 came up. And I said, wait, his brother tried to come inside
4 the room. And I said I need to go let the nurses -- the
5 nurses' station know.

6 So I ended up letting the nurse -- the nurses there know
7 that, please, that there's no one allowed to come inside
8 Johnnie's room unless it's family members. And I let them know
9 that, you know, that guy had tried to come into the room.

10 MR. INCIONG: Your Honor, could we publish
11 Exhibit 1-58, which has been previously admitted?

12 THE COURT: Yes, you may.

13 THE WITNESS: That's him.

14 MR. INCIONG: Could we publish it for the jury,
15 please?

16 THE COURT: Yes, you may.

17 BY MR. INCIONG:

18 Q Is that the person that you were just describing that you
19 saw try to go into Johnathan's room?

20 A Yes. That's him.

21 Q Now, you said you saw him putting on gloves. Are these
22 like the -- the --

23 A The nurse -- you know, like the hospital gloves?

24 Q The latex gloves?

25 A Yes.

1 Q And did he appear to be startled when you called out to
2 him?

3 A Yeah. He -- he was startled. And he like zoomed right
4 out of there, the room. And that's when I told everybody, I
5 said: we do not leave John by himself at all. Someone always
6 needs to be with him.

7 Q Was John able to leave the hospital after not too long?

8 A Yes. He was able to leave.

9 Q What kinds of injuries was he dealing with when he was
10 discharged?

11 A Oh, he was dealing with a lot of injuries. His whole left
12 side was pretty much he had to do physical therapy, because he
13 had a hard time walking on his left side. His -- his left hand
14 he had -- sometimes he had to like hold his left hand.

15 Q Is this when -- shortly after that when he came back and
16 was living at the -- the Fraser household in Kaneohe?

17 A Correct.

18 Q Was Ashley moved -- moving in and living there as well?

19 A Ashley was living with us as well.

20 Q So were all of you helping him kind of just to get around
21 and get -- you know, do day-to-day stuff during the time?

22 A Yes. We was taking him to his physical therapy, his
23 doctors. Yes, just to get him better.

24 Q Okay. Did he seem to be improving, though, as time went
25 on?

1 A Mm-hmm. 'Cause you could see -- I know there was times
2 that he -- going up the stairs, 'cause we lived upstairs, it
3 was -- sometimes it was difficult for him to go up, up that
4 stairs, where his dad has to help him go up that stairs.

5 And then as he was progressing in his physical therapy he
6 could go up the stairs himself, but he still had a little
7 difficulty lifting that leg fully up.

8 Q So do you recall, was he able to come home from the
9 hospital before the Christmas holidays in 2015?

10 A 2015, yeah, he was able to come home.

11 Q Okay. So then he was -- was he still living there with
12 Ashley into 2016, the following year?

13 A He was there, yes. Christmastime, yes.

14 Q So you mentioned, you know, he and Caleb were very good
15 friends.

16 A Mm-hmm.

17 Q Caleb remained in the hospital during that time?

18 A Yes.

19 Q Did Johnathan ever go visit or have any sort of contact
20 with Caleb or his family that you know of?

21 A He couldn't.

22 Q Why is that?

23 A He said he couldn't. They wouldn't allow him.

24 Q What -- what was the cause of that? Do you know?

25 A I don't know. He just -- all he told us is that he

1 couldn't go see him. And he wanted to.

2 Q Did you learn that Caleb ended up passing away in the
3 spring of 2016?

4 A Yes.

5 Q How did that make Johnathan feel?

6 A Well, prior to that, he had come inside me and my
7 husband's room and he had told me and my husband that if
8 something was to happen to Caleb, that if he was to pass away,
9 that he would be afraid for his life.

10 Q What made him say that?

11 A He said 'cause things that he had seen when he was hanging
12 around with Caleb.

13 Q So when Caleb did pass away, did he ever talk about that?

14 A He was sad. He was really sad.

15 Q Shortly after that time was there a falling out of sorts
16 between Ashley and Johnathan and his grandparents?

17 A Yes.

18 Q And did that result in them not being able to live at the
19 family house anymore?

20 A Yes.

21 Q Where did you believe they were going to go live at that
22 point?

23 A In Kaneohe. They were supposed to be staying at this
24 place in Kaneohe. So my father-in-law and my mother-in-law
25 went to go check to make sure that that house was being rented.

1 And this guy had came to our house, which was a military
2 guy -- 'cause John and Ashley had introduced us to him. His
3 name was Patrick and he confirmed to us that -- that they were
4 all going to be sharing a place in Kaneohe together. So that
5 was the last that we knew that that's where they were moving.

6 Q Okay. So whatever, you know, dispute there had been after
7 Johnathan and Ashley moved out, did that affect your
8 relationship with Johnathan in any way?

9 A No. He still contacted us. We still -- we still went --
10 'cause he would hang around at Windward City Shopping Center,
11 by the vape shop over there. And then we'll -- we'll go pull
12 up and go look for him if he doesn't answer the phone. And he
13 would still contact me and my husband.

14 Q How often would you talk to him after he moved out, would
15 you say?

16 A Pretty much was almost every day. If it wasn't me, he
17 would contact my husband. If it wasn't my husband, he will
18 contact me.

19 Q Okay. So I want to fast forward then to July, end of July
20 of 2016. Had you included Johnathan on your family telephone
21 plan --

22 A Yes.

23 Q -- at any point?

24 Did you have one of those alerts set up where if -- if the
25 phone called 911 or something like that that you would be

1 alerted?

2 A Yes. It would -- it would text my phone, the main line
3 that -- it was not just his phone, it was everybody's on the
4 plan.

5 Q I see.

6 So do you recall getting a text that a 911 call had been
7 placed from his phone?

8 A Yes. Three times.

9 Q What did you do as a result?

10 A So we tried to get in contact with John to see what was
11 going on. He wouldn't answer the phone. So we tried -- we
12 text them and we say: What is going on? Why are you guys
13 calling 911? And we got a response back saying that their
14 friend's car got towed and that they were looking for it.

15 Q So did you accept that as -- as the --

16 A I accepted that and I reminded him that that Sunday, don't
17 forget, we're meeting at Sherwood for his grandma's 70th
18 birthday party.

19 Q That was going to be the very next day?

20 A Yes.

21 Q So before I go on, I want to ask you about there was this,
22 you know, long time period where he was not talking to Caleb
23 before he passed away.

24 Do you know whether he had any contact with Delia during
25 that time?

1 A No, not that I'm aware of.

2 Q Were you aware of Mr. Miske ever reaching out or making
3 contact with Johnathan after Caleb had passed away?

4 A Yeah, my husband had told me that mis -- Mike had showed
5 up to the house. I was at work at that time.

6 Q What did you think when you heard that?

7 A I was like telling John, like, don't -- like don't buy
8 into it. Because if -- if it was me, and I lost my child, it
9 would take me a lifetime to, you know, recover. You know,
10 'cause that was real quick after Caleb had passed away that
11 Mike had showed up to the -- to the house.

12 Q So did you ever know, from John or otherwise, whether he
13 was remaining in contact with Mr. Miske or Delia or anyone from
14 that --

15 A Delia had showed up to our house as well. And we had told
16 Ashley and John that we don't want her coming around this
17 house. You know, just because of the situation that was
18 happening that, you know, knowing that Caleb had passed away.

19 Q So in the months that followed after Caleb passed away,
20 you know, April, May, going into the summer, were you aware
21 of them spending time with Delia or Mr. Miske or anybody
22 associated with --

23 A No.

24 Q -- the Miskes?

25 So I want to pick up then where we left off.

1 So you get this 911 call. You asked what's going on and
2 you get the answer that the car was towed.

3 Did you find out later that -- if in fact it had been a
4 911 call that had been made from the phone?

5 A Yeah. It was -- it was called from our -- his line.

6 Q So when was the next time you heard from Johnathan?

7 A We never heard from him after.

8 Q Did you reach out to Ashley?

9 A Yes, I did.

10 Q What did you learn from Ashley?

11 A He said -- all she told me at that time was that she
12 didn't know where he was at, that he was missing; and that the
13 last time that she had spoke to him was she was leaving to go
14 to the spa. And I said: What spa? And that's when I -- me
15 and her kind of went -- and I said: You never left Johnnie by
16 him -- side. Why, why today? Like what made you leave him by
17 himself?

18 Q Did she explain that she was -- they were actually living
19 with Delia at that time?

20 A It was already said to us when -- 'cause Ashley's father
21 had called us first.

22 Q What night was this?

23 A That was that Sunday morning.

24 Q What did you learn from Ashley's father?

25 A That Johnnie is missing, they can't find him, and that

1 they were living with Delia in one of Mike's house. And that's
2 when everything just shattered.

3 Q Were you shocked when you heard all this information?

4 A Mm-hmm. we didn't even end up going -- we had to leave
5 the -- the mom's party. we just went and we were trying to go
6 look for him, trying to figure out where could he be.

7 Q Let me start with the part just with them living with
8 Delia in this property. I mean, that alone, what -- what did
9 you think when you heard that?

10 A What did I think about that?

11 Q Yeah.

12 A Biggest mistake.

13 Q Had you talked to John specifically about going to his
14 grandmother's birthday party on the 31st?

15 A We talked -- he came to the house on Thursday. And when
16 we were talking, see, I was telling him and Ashley, you know,
17 that how much we loved them and that if they needed anything
18 for their new home, because at that time we had thought they
19 were living -- going to live in that Kaneohe home. But then we
20 found out it -- it -- it fell through.

21 Q So can you -- John had come to the house on Thursday.

22 That would have been July 28th?

23 A Correct.

24 Q And you reminded him that his grandmother's birthday
25 party --

1 A Mm-hmm.

2 Q -- was coming up for the weekend? Did he say he would be
3 there?

4 A Yeah, he was excited.

5 Q Is that something he would have missed?

6 A He wouldn't, not miss.

7 Q So Mr. Wong, Ashley's father, basically is the first one
8 to break all this news to you?

9 A Yes.

10 Q So where do you start to look for John?

11 A Everywhere. I called all his friends, just to see if he
12 had contact them. And -- because we were trying to call him on
13 his phone, but no one was picking up on his phone. And then we
14 came to learn that Ashley had his phone and that he had no
15 phone with him when he was staying at the house, apparently.

16 Q You obviously -- you had obviously never been to that
17 house before?

18 A No.

19 Q Did you ever go there after finding out that they had been
20 living there?

21 A Excuse me. What's that?

22 Q Did you ever go to that house to look for him after?

23 A Yes. We drove -- we drove by. We got the address from
24 Ashley, and we went driving there. We went looking up all over
25 that place. We went even all over Hawaii Kai looking for him,

1 Waimanalo. We went everywhere.

2 MR. INCIONG: Could we publish, please, Exhibit 2-55,
3 previously admitted from our original list?

4 THE COURT: Go ahead.

5 MR. INCIONG: If we could -- and zoom in on the
6 photo, please.

7 BY MR. INCIONG:

8 Q Mrs. Fraser, that's Johnathan?

9 A Correct.

10 Q Does that show how he looked after the accident?

11 A Correct.

12 MR. INCIONG: Could we publish Exhibit 2-61, please?

13 THE COURT: Yes.

14 MR. INCIONG: Previously admitted.

15 BY MR. INCIONG:

16 Q Is that Johnathan and Ashley?

17 A Correct.

18 THE COURT: You may publish.

19 BY MR. INCIONG:

20 Q Is that after the accident?

21 A Yes.

22 Q How could you tell it's after the accident?

23 A He has a scar here.

24 THE COURT: Could you publish?

25 MR. INCIONG: Oh, I'm sorry.

1 A And here.

2 MR. INCIONG: There. Thank you.

3 Could we show just for the witness only, please,
4 Exhibit 2-90, nine-zero, from our original list?

5 THE COURT: Yes.

6 BY MR. INCIONG:

7 Q Do you recognize this photo, Mrs. Fraser?

8 A Yes.

9 Q Who's shown there?

10 A Excuse me? What's that?

11 Q Who's shown in that photo?

12 A Myself, my husband, and John.

13 Q Do you recall where that was or where that was taken?

14 A Yeah. We were at the beach.

15 MR. INCIONG: Your Honor, I would move to admit 2-90
16 at this time.

17 THE COURT: Any objection?

18 MR. KENNEDY: No objection.

19 THE COURT: Two, dash, nine, zero is admitted.

20 (Exhibit 2-90 received in evidence.)

21 THE COURT: You can publish it.

22 BY MR. INCIONG:

23 Q So you find out on July 31st that Johnathan's missing.

24 He never shows up at the birthday party, correct?

25 A Never showed up.

1 Q How long did you keep looking for?

2 A we kept looking for him every day.

3 Q where would you decide where to look any particular day?

4 A we -- so me and my family would get together. Like we
5 would go North Shore. We would go Chinatown. We would go -- I
6 remember going up Kuliouou Ridge 'cause someone was saying that
7 he was up there. So we would -- at night my husband and my
8 sister-in-law would drive up there. We'll go look for him. We
9 literally, yes, went everywhere we could.

10 Q Now, had John told you the news that Ashley was pregnant?

11 A Yes.

12 Q Had you talked about that with him?

13 A Yes, we did.

14 Q What did you talk with him about being a father?

15 A He was excited. He was excited but nervous at the same
16 time, because of his condition. You know, he was -- he was
17 nervous at the fact that, you know, he wouldn't be able to go
18 to work and be able to support his baby. But we told him don't
19 worry, like we'll be here to help you out. So he was excited,
20 though, because he was going to be a daddy.

21 Q Did you know what kind of vehicle Johnathan had or was
22 driving at the time that he disappeared?

23 A Yeah, he brought home this Honda Civic.

24 Q How did you find out about that, or when did you find out
25 about that?

1 A How we found out is we seen it parked on the side by the
2 fence, and I had asked Ashley, I said, whose car is that? And
3 then that's when Ashley and John had told us that that was
4 their vehicle. And we were like: Oh, where did you guys get
5 that vehicle from?

6 And he said -- they said it was from a friend.

7 Q That was all the information you got on it?

8 A Yeah. It was a friend that they -- Johnathan helped his
9 friend run -- fix the car for them, and the friend gave that
10 car in return. That's all he had -- that's all we got for that
11 car.

12 Q Did you later find out that that -- that wasn't the case?

13 A Yeah.

14 Q So if John had told you he was going to move in with
15 Ashley into this apartment with Delia --

16 A We wouldn't allow it.

17 Q Why?

18 A Because, like he said, he was afraid if something happened
19 to Caleb. So, of course, I was -- me and his father was going
20 to try and protect him.

21 Q So do you recall being interviewed by the police?

22 A Yes.

23 Q After he went -- after he disappeared?

24 Were you trying to help them in any way that you could?

25 A Correct.

1 Q Did they ask you for samples of saliva or swabs from your
2 cheek, anything like that?

3 A They never asked me that, no.

4 Q So how long did these searches go on for, with your family
5 and friends continuing to look for Johnathan?

6 A It was every day. Even when we were at work, we was just
7 having other family members and friends just keep an eye out,
8 see if you see him. My father-in-law would be driving up in
9 town all the time with my husband, while I was at work, looking
10 for him -- looking for him. My sister-in-law and I would be
11 driving around looking for him.

12 Q Did you get -- ever get leads or tips from people saying
13 that they thought they had seen him?

14 A Yes. Someone had told us that, oh, they think that he was
15 in Maui. So we end up flying out to Maui to go look for him,
16 and we were passing out flyers up there. But nothing.

17 Q Do you remember the last thing that you said to John?

18 A Yeah, that I loved him.

19 Q So after John disappeared, where were you working during
20 that time?

21 A I was at Hawaii USA Federal Credit Union and the Car
22 Audio.

23 Q So Hawaii State Federal Credit Union?

24 A Hawaii USA.

25 Q I'm sorry, Hawaii USA Credit Union. Was that the one, the

1 branch at windward mall?

2 A Correct.

3 Q This car audio shop, where was that located?

4 A Kailua.

5 Q when you were working at the credit union -- let's start
6 there -- did you ever see the person you identified as
7 Mr. Miske's brother --

8 A Ye --

9 Q -- who went into the -- tried to go into Johnathan's room,
10 did you ever see him nearby your workplace?

11 A Yes.

12 Q Describe that.

13 A So there was another guy outside as well, that was Jake
14 Smith. They would sit right in front. 'Cause where I work
15 there is -- there's tables and chairs that you can sit there.
16 And I had seen Jake Smith sitting there. And I had called my
17 husband to let -- let him know. I said: Jake's out here
18 sitting down just watching. He was like: what? So he ended
19 up driving there. But when I went outside, I seen his brother.

20 Q How did you know Jake Smith? Let's start with him. How
21 did you --

22 A All -- all his videos and -- you know, from Taekwondo and
23 stuff like that.

24 Q You'd grown up in Kaneohe as well?

25 A Yes.

1 MR. INCIONG: Could we publish, please, Exhibit 1-41
2 previously admitted from our original list?

3 THE COURT: Yes. Go ahead.

4 BY MR. INCIONG:

5 Q Is that the person you know as Jake Smith?

6 A Yes. He had a hat. So I can't --

7 Q So was it just one day that he was -- came to your work --

8 A No.

9 Q -- at the credit union?

10 A There was few days that he was -- he was there.

11 Q Why do you feel like he was there to see you?

12 A I don't know. To intimidate? I have no idea.

13 Q Let me rephrase the question. Did he make eye contact
14 with you? Did he try to talk to you?

15 A He just kept staring while I as working. And he will be
16 there for hours.

17 Q So he was there first, before you saw John Stancil?

18 A Correct.

19 Q Were they ever there together?

20 A I didn't see them together-together.

21 Q What was John Stancil doing the days or day you saw him
22 there?

23 A He was outside. 'Cause like where Hawaii USA, you can go
24 right outside. He was outside, sitting by that brick.

25 Q Did he make any sort of eye contact or -- or interaction

1 with you?

2 A Oh, yeah.

3 Q What was that?

4 A He just stares me down.

5 Q Were you intimidated?

6 A No. I just smiled at him.

7 Q Nothing happened beyond that, though?

8 A Not with -- not with them.

9 Q Okay. Did anything similar to that happen at the car
10 audio --

11 A Yes.

12 Q -- place that you were working?

13 A I had -- every time -- where we -- where I worked at Car
14 Audio there is another shopping center across the street, where
15 it's diagonally across where you can see everything.

16 There was always a Kama'aina Termite truck or a van
17 sitting there with someone in the vehicle.

18 Q This audio shop, it's located in what city?

19 A Kailua.

20 Q Kailua. What street is it on?

21 A Hamakua.

22 Q So there's -- that's a kind of a busy -- lot of businesses
23 are on that street?

24 A Correct.

25 Q So the Kama'aina truck would be across the street from

1 you?

2 A Correct.

3 Q Did you ever see anybody that you recognized?

4 A No. I would always let my boss know.

5 Q So what time frame did these things happen in relation to,
6 I mean, how long after Johnathan was missing?

7 A It was like probably, I would say like around two weeks to
8 three weeks after.

9 Q After he went missing?

10 A Yeah.

11 Q So it's April 2024. The last time you saw Johnathan was
12 July 2016.

13 A Hmm.

14 Q Almost eight years. Would he just disappear like that,
15 knowing the relationship that you had with him?

16 A No.

17 Q What was the longest period that you ever didn't have
18 contact with him, you said? A few days?

19 A Yeah, like three -- three to four days at the most.

20 Q Was there any point that you've given up hope?

21 A It's when he was indicted. That's when everything just
22 fell apart for me.

23 Q What do you mean by that?

24 MR. KENNEDY: Objection on the question, Your Honor,
25 after.

1 A It was like a -- like I never lose hope.

2 MR. KENNEDY: Objection, Your Honor.

3 THE COURT: What's the objection?

4 MR. KENNEDY: The objection is after the indictment.

5 And explaining why at that point.

6 THE COURT: Overruled. Go ahead.

7 BY MR. INCIONG:

8 Q You can answer.

9 A So after seeing Mike on the news, it was like, how would
10 you say, like a bittersweet. Like finally something's
11 happening.

12 Q How has this affected your husband and the rest of your
13 family?

14 A A lot. we had to through so many counseling and therapy.
15 Sorry.

16 Q would John ever have left his family like this for years
17 without a word or a trace?

18 A No.

19 Q would he have left his unborn child without a father?

20 A No.

21 Q Do you miss him?

22 A A lot.

23 MR. INCIONG: I have nothing further, Your Honor.

24 THE COURT: All right. We're just about at the 1:30
25 hour so it seems appropriate, rather than starting cross for

1 about 120 seconds, to go ahead and take our leave for the trial
2 week.

3 As we go into the weekend, I will remind our jurors
4 to please refrain from discussing the substance of this case
5 with anyone. Do not conduct any independent investigation of
6 your own. And finally, do not access any media or other
7 accounts of this case that may be out there.

8 We will see you on Monday, at 8:30, and we will start
9 up with the cross of Mrs. Fraser at that time.

10 Have a good weekend.

11 COURTROOM MANAGER: All rise for the jury.

12 (Whereupon, at 1:29 p.m., the proceedings adjourned.)

13 (End of partial transcript.)

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COURT REPORTER CERTIFICATE

2 I, Ann B. Matsumoto, Official Court Reporter, United
3 States District Court, District of Hawaii, do hereby certify
4 that pursuant to 28 U.S.C. Sec. 753 the foregoing is a
5 complete, true, and correct transcript of the stenographically
6 recorded proceedings held in the above-entitled matter and that
7 the transcript page format is in conformance with the
8 regulations of the Judicial Conference of the United States.

DATED at Honolulu, Hawaii, July 8, 2024.

/s/ Ann B. Matsumoto
ANN B. MATSUMOTO, RPR